

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE, WSBN 32245  
Associate General Counsel  
Office of Program Litigation, Office 7  
Social Security Administration  
ELLINOR R. CODER, CA 258258  
Special Assistant United States Attorney  
160 Spear Street, Suite 800  
San Francisco, California 94105  
Telephone: (510) 970-4814  
Facsimile: (415) 744-0134  
E-Mail: Ellinor.Coder@ssa.gov  
Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

|   |   |                                   |
|---|---|-----------------------------------|
| IAN CLAIR MACDOWELL,                    | ) | Case No.: 2:21-cv-00729-AC        |
|   | ) |                                   |
| Plaintiff,                              | ) | STIPULATION FOR AN EXTENSION OF   |
|   | ) | TIME; <del>[PROPOSED]</del> ORDER |
| vs.                                     | ) |                                   |
| KILOLO KIJAKAZI,                        | ) |                                   |
| Acting Commissioner of Social Security, | ) |                                   |
|   | ) |                                   |
| Defendant.                              | ) |                                   |

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that the time for Defendant to respond to Plaintiff's opening brief be extended thirty (30) days from November 14, 2022 up to and including December 14, 2022. This is the Defendant's third request for an extension. The Court previously extended Defendant's deadline for briefing by a total of 60 days, and Plaintiff's deadline by 15 days, pursuant to stipulation of the parties (Doc. 15, 19, 21). The case was previously stayed (Doc. 4).

There is good cause for this extension. Defendant has been diligently working this case, as it was initially part of a pre-answer project to review over 200 of the Commissioner's stayed

cases for policy compliance, so that the Commissioner could identify cases for early settlement. Plaintiff filed his opening brief on August 1, 2022, after a stipulated extension of 15 days (Doc. 15, 16). Thereafter, the undersigned was assigned this matter for briefing (Doc. 17).

Counsel for Defendant requested that this matter be re-assigned to another attorney in light of a planned absence for travel to and from Washington, D.C. pursuant to military orders in September, and due to ongoing high workloads following the Commissioner's filing numerous administrative records in this jurisdiction between April and June 2022. However, no substitute attorney was identified. In addition, the undersigned counsel was out of the office over the course of two weeks due to illness. The case remains unable to be transferred to another attorney due to case volumes. Counsel for the undersigned had another conflicting briefing deadline on the same day, which had a longer extension, and the undersigned's supervisor directed the other case be completed first.

Finally, there are numerous issues that the undersigned anticipates will cause significantly greater-than-normal briefing time. Plaintiff raised at least 13 sub-issues, in addition to argument concerning remedy, in an overlength brief. Doc. 12 at 3 (advising the parties of page limits). The administrative record spans 969 pages. No unnecessary delay is intended, but rather, the Commissioner seeks time to adequately evaluate this case.

Respectfully submitted,

Dated: November 8, 2022

/s/ Robert Weems\*

ROBERT WEEMS

Attorney for Plaintiff

(\*signature authorized via e-mail Nov. 7, 2022)

Dated: November 8, 2022

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Social Security Administration

By: /s/ Ellinor R. Coder

ELLINOR R. CODER

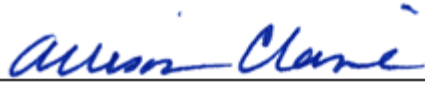
Special Assistant U.S. Attorney

Attorneys for Defendant

**ORDER**

Pursuant to the parties' stipulation, and for good cause shown, IT IS SO ORDERED that Defendant shall have an extension, up to and including December 14, 2022, to file a response to Plaintiff's opening brief.

DATED: November 8, 2022

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE